STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of: The Application for Certification for the CITY OF RIVERSIDE PUBLIC UTILITIES RIVERSIDE ENERGY RESOURCE CENTER	Docket No. 04-SPPE-1

PREHEARING CONFERENCE STATEMENT OF THE CALIFORNIA UNIONS FOR RELIABLE ENERGY

July 21, 2004

Marc D. Joseph
Suma Peesapati
Adams Broadwell Joseph & Cardozo
651 Gateway Boulevard, Suite 900
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
mdjoseph@adamsbroadwell.com
speesapati@adamsbroadwell.com

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As directed in the July 14, 2004 Notice of Prehearing Conference, this statement is a preliminary identification of the issues Intervenor California Unions for Reliable Energy ("CURE") intends to raise at the public evidentiary hearings for the Riverside Energy Resources Center ("RERC" or "Project"). Although we submit this statement at this time, this statement is necessarily preliminary and subject to change for the following reasons:

1) The CEC staff's environmental review and analysis of the Project is incomplete. For example, staff is accepting public comment on its draft initial study for the Project until July 28, 2004, one week after the due date for this statement. The staff may incorporate the issues raised in comments. To the extent this occurs, the list of disputed issues will be reduced.

2) At the July 15, 2004 workshop, staff stated that it would consider revising its analysis in several topic areas. We do not yet know the result of those revisions.

3) The Applicant has not yet responded to all of CURE's data requests. As a result, CURE cannot determine with certainty the number and scope of disputed issues in this case.

Given the evolving staff analysis and the outstanding responses to data requests we reserve the right to supplement and/or amend this statement.

I. Topic Areas That Are Complete and Ready to Proceed to Evidentiary Hearings

As of the date of this statement, and based on the information available at the time of preparing it, CURE does not object to a finding of completeness and readiness to proceed to evidentiary hearings for any topic area ***except*** those discussed in Section II below.

II. Topic Areas That Are Not Complete and Not Yet Ready to Proceed To Evidentiary Hearings

Based on the draft initial study, each of the topics described below is in dispute. We hope that many of these disputes will be resolved in the Final Initial Study. However, because the staff has not yet reviewed our comments on these topics and revised its analysis to reflect our comments, the analysis of these topics is also incomplete. After the staff releases its Final Initial Study, it will be possible to determine which topics require further analysis and which topics remain in dispute but ready to proceed to hearings.

A. Air Quality

1. Failure to Mitigate Significant Operational Emissions of PM10 and VOCs

Under the South Coast Air Quality Management District's requirements (Rule 1303(b)), RERC must obtain emission reduction credits ("ERCs") to offset its significant emissions of PM10 and VOCs. It has not yet identified legal ERCs. This failure to comply with the law and failure to mitigate the admitted significant air quality impacts caused by operation of the projectrenders RERC ineligible for a Small Power Plant Exemption ("SPPE") under the Warren-Alquist Act. Cal. Pub. Resources Code section 25541.

In addition, the offsets that have been identified for emissions of PM10 do not mitigate impacts from the Project because they are located far from the location of the significant increase in ambient concentration of PM10.

2. Other Operational Air Pollution

The draft initial study did not assess all of the air quality impacts related to operation of the Project, including particulate matter emissions related to the Zero Liquid Discharge System proposed for the Project. The document also underestimated cooling tower emissions, failed to include "black start" emissions and failed to include emissions from mobile sources in its analysis. These omissions are significant unmitigated operational air quality impacts, rendering RERC ineligible for a SPPE.

3. Construction-Related Air Pollution

As discussed in the last workshop, the construction emission inventory and air quality modeling prepared for the Project are incomplete. For example, that analysis did not employ the correct values for silt content in the soil and did not incorporate any analysis of the impacts related to removing the boulders on the proposed Project site.

Next, the draft initial study's air quality analysis is erroneously based on an 8 hour/day construction schedule, while the proposed conditions for exemption allow for a 12-hour/day construction schedule (and even allows "short excursions" above the 12 hour workday). These inconsistencies and omissions result in significant unmitigated construction-related air quality impacts, rendering RERC ineligible for a SPPE.

Finally, significant and unmitigated air quality impacts for PM10 and PM2.5 would result from project construction. The proposed mitigation included in the draft initial study does not mitigate these significant impacts.

B. Noise

The project will have a significant unmitigated noise impact on the riparian habitat bordering the Project site, on recreators on the nearby trail, and elsewhere. The draft initial study fails to identify this significant impact or mitigate it, rendering the Project ineligible for an SPPE.

C. Biology

The draft initial study proposes using a 500-foot buffer zone to mitigate noise impacts on an endangered bird species. This mitigation is insufficient to mitigate noise impacts to the bird. It is also inconsistent with mitigation required in previous CEC siting cases. Because there remains a significant unmitigated impact to an endangered species, RERC is ineligible for an SPPE.

D. Cumulative Impacts

1. Six-Year Capital Improvement Project at the WWTP

Despite the prominent display of a sign advertising an $9 million, 6-year capital improvement project at the neighboring Riverside Wastewater Treatment Plant ("WWTP"), the draft initial study did not mention this neighboring project . A review of the Capital Improvement Program being proposed by the City of Riverside discloses a much more substantial Project to improve and expand the capacity of the WWTP over the next 5-6 years.

A number of modifications and changes in operation at the neighboring WWTP will be required to accommodate and support the Project. These activities include upgrading the capacity of stormwater handling facilities at the WWTP, and increasing the output of the WWTP's cogeneration facility which will be used to "black start" the RERC Project. The impacts of these activities were not analyzed in the draft initial study.

The cumulative impact of the Project in combination with the concurrent and related projects at the WWTP will result in significant unmitigated environmental impacts rendering the Project ineligible for an SPPE.

2. Units 3 and 4

The City of Riverside provided evidence in response to CURE's Data Request 1.a. that the construction of two more turbines ("Units 3 and 4") is a reasonably foreseeable future phase of the Project. The draft initial study, however, does not analyze the impacts of the construction and operation of Units 3 and 4. The Project, as a whole (including construction and operation of Units 3 and 4) will cause significant unmitigated environmental impacts rendering it ineligible for an SPPE. RERC is also ineligible for an SPPE because the Project, as a whole (including Units 3 and 4), will generate more than 100 MW of electricity.

E. Hydrology

The Project lacks sufficient stormwater runoff retention capacity. Infiltration basins such as that proposed by the Applicant have a failure rate of 50% after five years. Yet, neither the Applicant nor the draft initial study has proposed a maintenance program suitable for continued operation of the infiltration bed. Therefore, this measure does not constitute feasible or effective mitigation for the actual level of stormwater runoff. This is a significant unmitigated impact that renders the Project ineligible for an SPPE.

F. Environmental Justice (Socioeconomics) and Public Health

According to the draft initial study, the census block housing the project is comprised of 75-100% people of color (POC). The 6 mile radius surrounding the project is 57.25% POC.

In the event of an on-site ammonia spill, the maximum point of impact would be within a 6 mile radius of the facility. Accidents involving the transport of ammonia to the project site may also be more likely to occur in this 6-mile radius. The draft initial study does not address the general public health or specific environmental justice impacts associated with an accidental release of ammonia during Project operations. These are specific unmitigated impacts that render the Project ineligible for an SPPE.

Next, the initial study states that PM10 and NOx emissions are above the relevant CEQA significance thresholds. Both these pollutants carry localized impacts.

Under CEQA, a disproportionate impact on a significant minority population within a 6-mile radius of the project is a significant impact. The draft initial study offers no mitigation for the localized impacts of the Project's air emissions. The failure to mitigate the disproportionate public health impacts of the project on a significant minority population within a six - mile radius renders the Project ineligible for a SPPE under California law.

G. Generating Capacity of Units 1 and 2 Exceeds 100 MW

The electricity generating capacity of the Project as described in the staff's initial study may exceed 100 MW, rendering the Project ineligible for an SPPE under Cal. Pub. Resources Code section 25541.

III. Identity of Witnesses, Topic Areas Each Witness Will Cover, Brief Summary of Testimony, Qualifications of Each Witness, Time Required to Present Direct Testimony By Each Witness

Dr. Phyllis Fox (CV attached as "Exhibit A") will address the following issues: Air Quality, Noise, Cumulative Impacts, Water Resources, Environmental Justice, Biology, Public Health. A description of Dr. Fox's testimony was provided in Section II, above.

Dr. Petra Pless (CV attached as "Exhibit B") will address the following issues: Air Quality, Noise, Cumulative Impacts, Environmental Justice, Biology, Public Health. A description of Dr. Pless' testimony was provided in Section II, above.

Dr. Fox and Dr. Pless may testify as a panel. CURE anticipates that, depending on the amount of cross examination by other parties, two days will be required to present the testimony of Drs. Fox and Pless.

Camille Sears (CV attached as "Exhibit C") will address the issue of Air Quality, Environmental Justice Public Health. A description of Ms. Sears' testimony was provided in Section II, above. CURE anticipates that, depending on the amount of cross examination by other parties, one hour will be required to present the testimony of Ms. Sears.

Ron Kilmartin (CV attached as "Exhibit D") will address the issue of stormwater runoff**.** Specifically, Mr. Kilmartin will present evidence demonstrating that the Project will cause significant stormwater runoff without providing adequate mitigation in the form of stormwater retention capacity. CURE anticipates that, depending on the amount of cross examination by other parties, three hours will be required to present the testimony of Mr. Kilmartin.

IV. Cross-Examination

CURE requests the opportunity to cross-examine staff and Applicant witness on all topic areas in dispute. Until we see the Final Initial Study, we cannot be

certain about the nature or extent of cross examination. However, we anticipate that the scope of such cross examination will include questions related to calculation methodology employed for the purpose of analyzing Project impacts, the standards used to determine significance, the state of scientific knowledge on a particular topic area, past testimony of CEC staff on any particular issue and prior determinations of the CEC on particular issues. CURE expects that its cross examination may take two hearing days.

V. List of Exhibits

The list of exhibits, like our other statements in this prehearing conference statement, is preliminary and subject to change.

A. General

1. Responses to staff data requests
2. Responses to CURE data requests
3. Demonstrative evidence to be determined
4. Any Docketed Materials

B. Air Quality

1. South Coast Air Quality Management District Regulation XIII
2. July 29, 1997 Memorandum from Jack Broadbent to LCCH Permit Processing Staff, Subject: Regulation XIII Implementation Guidance
3. EPA NSR Workshop Manual
4. RERC Revised Application for SPPE
5. 61 Fed. Reg. 64291 (December 4, 1996)

6. Staff Report from SCAQMD entitled "Status Report on Regulation XIII, New Source Review staff on NSR, approved by the SCAQMD Governing Board on April 2, 2004. **http://www.aqmd.gov/hb/2004/040425a.html**

7. U.S. Environmental Protection Agency, Guideline on Air Quality Models, 40 CFR 51, Appendix W.

8. U.S. Environmental Protection Agency, User's Guide for the Industrial Source Complex Model, EPA-454/B-95-003a, 1995.

9. CURE, Revised Air Dispersion Modeling.

10. Arizona Department of Environmental Quality, Air Quality Exceptional and Natural Events Policy, PM10 Best Available Control Measures, June 5, 2001.

11. Arizona Department of Environmental Quality, Off-Road Mobile Controls Subcommittee, Final Report, Revised November 9, 2000.

12. Bay Area Air Quality Management District, Bay Area AQMD Air Toxic Evaluation Procedure and Risk Management Policy, Updated February 3, 2000.

13. Bay Area Air Quality Management District, Bay Area AQMD Risk Management Policy for Diesel-Fueled Engines, Revised January 11, 2002.

14. Bay Area Air Quality Management District, Final Determination of Compliance, Contra Costa Power Plant Unit 8 Project, February 2, 2001.

15. Bay Area Air Quality Management District, Final Determination of Compliance, Delta Energy Center, October 21, 1999.

16. Bay Area Air Quality Management District, Final Determination of Compliance, Metcalf Energy Center, August 24, 2000.

17. Bay Area Air Quality Management District, Final Determination of Compliance, Pittsburg District Energy Facility, LLC, June 10, 1999.

18. Bay Area Air Quality Management District, Final Determination of Compliance, Tesla Power Project, January 22, 2003.

19. Bay Area Air Quality Management District, Health Risk Screening Analysis, Valero Refinery, MTBE Phase Out Project, Diesel-Fueled Delivery Trucks During Project Construction, May 16, 2001.

20. California Air Resources Board, and Office of Environmental Health Hazard Assessment, Review of the California Ambient Air Quality Standards for

Particulate Matter and Sulfates, Public Review Draft, November 30, 2001, adopted June 20, 2002.

21. California Air Resources Board, Report to the Legislature, Gas-Fired Power Plant NOx Emission Controls and Related Environmental Impacts, Draft, 2003.

22. California Air Resources Board, Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines, October 2000.

23. California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

24. California Energy Commission, Commission Decision, Tesla Power Project, Docket No. 01-AFC-21, June 2004, P800-04-014.

25. California Energy Commission, Commission Final Decision on Pittsburg District Energy Facility, Docket No. 98-AFC-1, August 17, 1999, P800-99-013.

26. California Regional Water Quality Control Board, Santa Ana Region, Waste Discharge Requirements for the City of Riverside, Water Quality Control Plant, Riverside County, Order No. 92-21, NPDES No. CA 0105350, May 8, 1992, p. 12.

27. Caterpillar Performance Handbook, Edition 31, Caterpillar, Peoria, IL, October 2001.

28. Caterpillar Performance Handbook, Edition 34, Caterpillar, Peoria, IL, October 2003.

29. City of Riverside, Water Quality Control Plant, NPDES Permit Number CA 0105350, Monthly Effluent Monitoring Data, June 2003, July 2003.

30. Letter from Kenneth L. Coats, South Coast Air Quality Management District, to Dan McCann, City of Riverside, Re: Control Efficiencies for Rule 1401 Air Contaminants, June 12, 2004.

31. C. Cowherd, G.E. Muleski, and J.S. Kinsey, Control of Open Fugitive Dust Sources, Report EPA-450/3-88-008, September 1988.

32. CURE, Revised Construction Emission Estimates.

33. CURE, Photographs of the Riverside Energy Resources Center Site and the Riverside Wastewater Treatment Plant.

34. Evapco, Inc., Bulletin 350, AT Cooling Towers, Engineering Manual, undated.

35. Letter from Matt Haber, EPA Region IX, to Seyed Sadredin, SJVUAPCD, April 30, 1999.

36. Howard E. Hesketh and Frank L. Cross, Jr., Fugitive Emissions and Controls, Ann Arbor Science, 1983.

37. P. Howes, An Evaluation of the Effects of PuriNOx on Exhaust Emissions from Yard Haulers at the Port of Houston, April 2000.

38. A. Kasprak and P.A. Stakutis, A Comprehensive Air Quality Control Program for a Large Roadway Tunnel Project, Proceedings of the Air & Waste Management Association's 93rd Annual Conference 7 Exhibition, June 18-22, 2000.

39. LOR Geotechnical Group, Inc., Geotechnical Investigation, Acorn Generating Project, Northern Terminus of Acorn Street, Riverside, California, Project No. 61833.1, January 21, 2004.

40. LOR Geotechnical Group, Inc., Results of Additional Subsurface Analysis, Acorn Generation Project, Riverside, Project No. 61833.12, California, May 21, 2004.

41. Midwest Research Institute, Improvement of Specific Emission Factors, BACM Project No. 1, South Coast Air Quality Management District Contract No. 95040, March 29, 1996, p. B-2.

42. Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, Revised September 2002.

43. Muleski and C. Cowherd, Jr., Performance Testing of Construction Emission Control Measure Proceedings of the Air & Waste Management Association's 93rd Annual Conference 7 Exhibition, Salt Lake City, UT, June 18-22, 2000.

44. Office of Environmental Health Hazard Assessment, Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, August 2003.

45. PEDCo Environmental Specialists, Investigations of Fugitive Dust Sources – Emissions and Control, prepared for the Environmental Protection Agency, OAQPS, Contract No. 68-02-044, May 1977.

46. A.A. Pope and others, Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution, Journal of the American Medical Association, V. 287, No. 9, pp. 1132-1141.

47. Santa Barbara County Air Pollution Control District, Authority to Construct Permit Processing Manual, Air Quality, Impact Analysis (Inert Modeling), October 10, 1987.

48. C. Smith, GE Introduces 15 ppm NOx DLE Combustor for the LM6000 Gas Turbine, Live Power News, May 26, 2004.

49. South Coast Air Quality Management District, 2003 Air Quality Management Plan, Chapter 2, Air Quality and Health Effects.

50. South Coast Air Quality Management District, Best Available Control Technology Guidelines, December 5, 2003.

51. South Coast Air Quality Management District, CEQA Air Quality Handbook, April 1993.

52. South Coast Air Quality Management District, Revised Final Staff Report for Proposed Amended Rule 403, Fugitive Dust, and Proposed Rule 1186, PM10 Emissions from Paved and Unpaved Roads and Livestock Operations, February 14, 1997.

53. South Coast Air Quality Management District, Rule 403 Implementation Handbook, January 1999.

54. U.S. Environmental Protection Agency, Compilation of Air Pollutant Emission Factors, AP-42.

55. U.S. Environmental Protection Agency, Exhaust and Crankcase Emission Factors for Nonroad Engine Modeling – Compression Ignition, EPA420-P-02-016, November 2002, NR-009b.

56. U.S. Environmental Protection Agency, Particulate Emission Measurements from Controlled Construction Activities, EPA-600/R-01-031, April 2001

57. Email from Will Walters, Aspen Environmental Group, to James Reede, California Energy Commission, Re: CURE Question #3: Construction emission and dispersion modeling information provided to RERC, July 19, 2004; and printouts of attached files 'AQ nonroad emissions version 2002.xls' and 'AQ nonroad emis fac email attach backgr.doc.'

C. Noise

1. Sound Research Laboratories, Noise Control in Industry, Chapman and Hill, 1991.

2. P.F. Cunniff, Environmental Noise Pollution, John Wiley & Sons, 1977.

3. B.J. Smith, R. J. Peters, and S. Owen, Acoustics and Noise Control, Addison Wesley Longman Ltd, 1996.

4. Charles H. Dowding, Construction Vibrations, Prentice-Hall, Inc., 1996.

5. Leo L. Beranek, Noise and Vibration Control, McGraw-Hill Book Co., 1971.

6. William A. Redl, Noise and Vibration Measurement: Prediction and Mitigation, ASCE, 1985.

7. Proceedings of Spring Environmental Noise Conference, The 1996 Conference on Environmental Noise Control Engineering, April 1996.

8. Proceedings of the AWMA 95th Annual Conference & Exhibition, June 2002.

9. ISO 9613-2, Acoustics – Attenuation of Sound During Propagation Outdoors

10. U.S. EPA, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, March 1974.

11. U.S. EPA, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, December 31, 1971.

12. Cyril M. Harris, Handbook of Acoustical Measurements and Noise Control, McGraw Hill, Inc., 1991.

13. David M. Lipscomb and Arthur C. Taylor, Noise Control Handbook of Principles and Practices, Van Nostrand Reinhold, 1978.

14. E.H. Berger and others (Eds), The Noise Manual, AIHA Press, 2000.

15. Dennis P. Driscoll and James D. Banach, Community Noise, 2004.

16. Noise Calculation Spreadsheet

17. Noise measurements adjacent to site.

18. Noise measurements at similar power stations

D. Cumulative Impacts

1. City of Riverside, Public Works Department, Capital Improvement Program for 2003-2004

2. Any documents provided to CURE by the Applicant in response to CURE Data Request 1.a.

3. Photographs of Sign advertising Capital Improvement Project at WWTP, taken on July 15, 2004.

E. Public Health

1. U.S. Environmental Protection Agency, Risk Management Program Guidance for Offsite Consequence Analysis, EPA 550-B-99-009, April 1999.

2. U.S. Environmental Protection Agency, RMP*Comp Frequently-Asked Questions, Chemical Emergency Preparedness and Prevention.

F. Biology

1. U.S. Environmental Protection Agency, Framework for Ecological Risk Assessments, February 1992, EPA/630/R-92-001.

2. U.S. Environmental Protection Agency, Wildlife Exposure Factors Handbook.

3. G. W. Suter II, Guide for Developing Conceptual Models for Ecological Risk Assessment and Methods and Tools for Estimation of the Exposure of Terrestrial Wildlife to Contaminants, Report ORNL/TM-13391.

4. Report of Conversation, Melinda Dorin, California Energy Commission, with Ron Baxter, Re: Discussed the proposed Riverside Energy Center, June 16, 2004.

5. City of Riverside, Hidden Valley Wetlands Enhancement Program, Operation and Maintenance Manual, July 1995.

G. Hydrology

1. Photographs of the Project site taken on or about July 15, 2004, June 17, 2004, June 16, 2004 and May 26, 2004

2. Application For Certification for a Small Power Plant Exemption, by City of Riverside Public Utilities, dated April 2004

3. Responses to CEC Data Requests 04-SPPE-01, Technical Area: Water Resources

4. Geotechnical Investigation Acorn Generation Project Northern Terminus of Acorn Street, Riverside, CA, LOR Geotechnical Group Inc., January 21, 2004.

5. Phase I Environmental Site Assessment Acorn Generation Project Acorn Street, Riverside, CA, LOR Geotechnical Group, Inc., May 21, 2004.

6. Letter to Power Engineers, Subject: Results of Additional Subsurface Analysis, Acorn Generation Project, Riverside, California, Attn: Mr. John Baker, May 21, 2004.

7. Hydrology Manual, Riverside County Flood Control and Water Conservation District, April, 1978.

8. Riverside County Stormwater Quality Best Management Practices Design Handbook, Riverside Flood Control and Water Conservation District, July 6, 2004.

9. Supplement A to the Riverside County Drainage Area Master Plans – New Development guidelines, Riverside County Printing Services, April, 1996.

10. Attachment to Supplement A of the Riverside County Drainage Area Master Plans – Selection and Design of Stormwater Quality Controls, Riverside County Printing Services, April 1996.

11. Point Precipitation Frequency Estimates from Precipitation Frequency Atlas of the United States, NOAA Atlas 14, volume 1, Version 3 - Riverside North, CA (00-0178) 34.0028 degrees N 117.3778 degrees W, El 774 feet, and project site, N 33.954, W 117.452 (approx). From NOAA Precipitation Data Server http://hdsc.nws.noaa.gov/hdsc/pfds/sa/sca_pfds.html

12. Energy Facility Licensing Process – Developers Guide of Practices and Procedures, California Energy Commission, Staff Report/Draft, November, 2000.

13. California Regional Water Quality Control Board Santa Ana Region, Order No. R8-2002-0011, NPDES NO. CAS 618033, Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, The county of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region Areawide Urban Runoff, October 25, 2002.

14. Storm Water Clean Water Protection Plan – Riverside County Water Quality Management Plan for Urban Runoff, Santa Ana River Region, Santa Margarita River Region, Santa Ana Regional Water Quality Control Board June 25, 2004.

15. Stormwater Best Management Practice Handbooks – four volumes: Municipal; Construction; Industrial; and New Development and Redevelopment, California Stormwater Quality Association, January, 2003.

16. Hydrology Handbook, 2nd Edition, American Society of Civil Engineers, Manual of Practice 28, 1996.

17. Applied Hydrology, Ven Te Chow, David R. Maidment, and Larry W. Mays, McGraw Hill Book Company, 1988.

18. Stormwater Collection Systems Design Handbook. :ary W. Mays, Ed., McGraw-Hill, 2001.

19. The Practice of Watershed Protection, Thomas R. Schueler and Heather K. Holland, Editors, The Center for Watershed Protection, Ellicott City, MD www.cwp.org.

20. Innovative Urban Wet-Weather Flow Management Systems, J Richard Field, James P Heaney, and Robert Pitt, Technomic Publishing Co., 2000.

21. Stormwater Effects Handbook, G. Allen Burton, Jr., and Robert E. Pitt, Lewis Publishers, 2002.

22. Groundwater and Wells, 2nd Edition, Fletcher G. Driscoll, Johnson Division, 1987.

23. US Army Corps of Engineers Hydrologic Engineering Center Flood Hydrograph Package HEC-1, 1991.

24. US Army Corps of Engineers Hydrologic Engineering Center Hydrological Modeling System Version 2.1, January 2001, and updates.

VI. Proposed Schedule

First, the Committee should relieve staff of the obligation to file its Final Initial Study on July 29. Because comments on the draft initial study are not due until July 28, it will be impossible for staff to meaningfully consider those comments and make appropriate modifications to the initial study. While we will attempt to submit comments before the July 28 deadline, staff cannot consider highly technical comments in only a few days. The Commission would be well

served to provide staff with adequate time to consider our comments. To the extent that the Final Initial Study reflects our comments, this will reduce the need for testimony and hearing time.

Second, testimony of the parties should be due no sooner than three weeks after the Final Initial Study is released. Only upon its release will parties know the extent to which staff's analysis has been modified.

Third, hearings should be scheduled no sooner than two weeks after testimony is filed so that parties have adequate time to prepare for efficient hearings.

Fourth, briefs on disputed issues should be due two weeks after hearing transcripts are available.

Dated: July 21, 2004 Respectfully submitted,

Marc D. Joseph
Suma Peesapati
Adams Broadwell Joseph & Cardozo
651 Gateway Boulevard, Suite 900
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
mdjoseph@adamsbroadwell.com
speesapati@adamsbroadwell.com

Attorneys for the CALIFORNIA UNIONS FOR RELIABLE ENERGY

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

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PROOF OF SERVICE

I, Bonnie Heeley, declare that on July 21, 2004, I deposited copies of the attached

PREHEARING CONFERENCE STATEMENT OF THE CALIFORNIA UNIONS FOR RELIABLE ENERGY

in the United States mail at South San Francisco, California, with first class postage thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-SPPE-01
DOCKET UNIT MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
(Original + 13 copies)

And via email to
dockets@energy.state.ca.us

Stephen H. Badgett
Utilities Assistant Director
Riverside Public Utilities
3900 Main Street
Riverside, CA 92522

And via email to
sbadgett@ci.riverside.ca.us

Robert B. Gill
Principal Electrical Engineer
Riverside Public Utilities
3900 Main Street
Riverside, CA 92522

And via email to
rbg@ci.riverside.ca.us

Dave Tateosian, P.E.
Project Manager
Power Engineers, Inc.
P.O. Box 2037
Martinez, CA 94553

And via email to
dtateosian@powereng.com

Kevin L. Lincoln
Environmental Project Manager
Power Engineers, Inc.
3940 Glenbrook Drive, Box 1066
Hailey, Idaho 83333

And via email to
klincoln@powereng.com

Kate Kramer
CA Department of Fish & Game
4775 Bird Farm Road
Chino Hills, CA 91709

Milasol Gaslan
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

John Yee and Ken Coats
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765-4182

Guenther Moskat, Chief
Planning & Environmental Analysis Section
Department of Toxic and Substances Control
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, CA 95812-0806

Allan J. Thompson, Esq.
Attorney for Applicant
21 C Orinda Way #314
Orinda, CA 94563

And via email to
allanori@comcast.net

James Reede
Jreede@energy.state.ca.us

Via email

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, California, on July 21, 2004.

_____
Bonnie Heeley